

The University of Toledo



Toledo, Ohio 43606-3390

September 29, 1993

Office of the General Counsel
(419) 537-8411

VIA FEDERAL EXPRESS

EPA Region 5 Records Ctr.



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SUPERFUND PROGRAM
MANAGEMENT BRANCH

Marsha A. Adams
5HSM-5J, Responsible Party Search Section
United States Environmental Protection Agency
Region 5
77 W. Jackson Blvd.
Chicago, IL 60604-3590

RE: The University of Toledo, Toledo, Ohio
Response to Request for Information Pursuant to §104(e) of
CERCLA for the Stickney Avenue Landfill and the Tyler
Street Dump Site, in Toledo, Ohio

Dear Ms. Adams:

Pursuant to correspondence from Thomas W. Mateer dated August 12, 1993, and without admission of any fault, violation or liability, and with full reservation of any and all defenses and objections, The University of Toledo (hereinafter "the University") hereby submits its responses to the U.S. Environmental Protection Agency's CERCLA §104(e) Information Requests regarding the Stickney Avenue Landfill Site and the Tyler Street Dump Site in Toledo, Ohio.

As you are aware, the University was granted an extension of time within which to respond to this Information Request until September 30, 1993. The University's responses are based on a search for documentation in the University's custody, control or possession dating from the period 1950 through 1980, and extensive interviews with University employees and ex-employees all related to its investigation emanating from receipt of similar requests for the Dura Avenue Landfill Site in February, 1993. This information has been further supplemented to be responsive to these two dump sites.

Marsha A. Adams
September 29, 1993
Page 2

To the extent that additional relevant information is discovered, the University will provide it to your office promptly. In the interim, if U.S. E.P.A. possesses information or records which suggest to it that the University may be a PRP under CERCLA with respect to the Stickney Avenue Landfill or the Tyler Street Dump Sites, please forward this information to me at your earliest convenience.

Sincerely,

A handwritten signature in cursive script, reading "Barbara E. Machin".

Barbara E. Machin, Esq.
General Counsel

BEM/dmk

Enclosure

cc: Leigh A. Casey (w/encl.)
John C. Dowling, Esq. (w/encl.)
Shane Farolino, Esq. (w/encl.)

**The University of Toledo's Response to U.S. E.P.A.'s
Information Request Pursuant to §104(e) of CERCLA
for the Stickney Avenue Landfill
and the Tyler Street Dump Sites**

The University of Toledo (hereinafter "University") hereby responds to the U.S. E.P.A.'s CERCLA §104(e) Information Request dated August 12, 1993, with regard to the Stickney Avenue Landfill and the Tyler Street Dump sites in Toledo, Ohio.

The University objects to the Information Requests dated August 12, 1993, specifically, but not limited to, requests nos. 5, 6, 7(b), (c), (d), (i), (j), (k), (l), and (n) on the grounds that these requests are vague, compound and ambiguous as applied to a non-manufacturing entity such as a state university. In response to the specific requests to which this objection applies, the University has submitted its interpretation of the information sought to be elicited. If its interpretation is incorrect, and the U.S. E.P.A. will so advise, and give clarification, the University reserves its right to amend or modify its responses. Also, because of the time frame encompassed by these responses, the University reserves all rights to further supplement its responses if individuals are subsequently identified who have information relevant to these Requests. The University also reserves its right to raise future objections to the August 12, 1993 Information Requests, including the instructions and cover letter.

Lastly, because the time frame encompassed in these Requests is commensurate with the time frame encompassed by the U.S. E.P.A.'s §104(e) Information Requests in the Dura Avenue Landfill matter, the University has relied upon the investigation related to its responses to those Requests. Where appropriate,

it has attached affidavits originally submitted in the Dura Avenue Landfill matter to be used to the extent that the statements contained therein are applicable to the Tyler Street Dump Site and/or the Stickney Avenue Landfill Site.

Subject to the foregoing objections and restrictions, and without admission of any fault, violation or liability, the University responds as follows to the August 12, 1993 Information Request.

1. Identify all persons consulted in the preparation of the answers to these Information Requests.

RESPONSE:

Ms. Leigh A. Casey
Hazardous Materials Coordinator
Public Safety Building
PS 112
The University of Toledo
2801 W. Bancroft St.
Toledo, OH 43606
(4992)¹

Stanley F. Morawski
Hauler, Community Sanitation Service, Inc.
5130 Homeside Ave.
Toledo, OH 43612
(419) 478-2757

Nelson J. Osenbaugh
Hauler, Community Sanitation Service, Inc.
2000 Muehlheisen
Dundee, MI
(313) 587-3277

Willard W. Smith, Retired

¹The University telephone numbers share the same exchange and prefix which is area code 419, prefix 537. The remaining four digits will be supplied for those individuals who are currently employed at The University of Toledo.

Professor of Political Science & Public Administration
Vice President, Business Affairs
2618 Middlesex
Toledo, OH 43606
(419) 535-7087

In addition, the University attaches hereto as **Appendix A** its Response to Request No. 1 to the Dura Avenue Landfill Site Information Requests, identifying individuals interviewed in the context of the Dura Avenue investigation. Information obtained from these individuals concerning the University's practices of waste disposal between 1950 and 1980 is applicable to these two sites.

2. Identify all documents consulted, examined, or referral [sic: referred] to in the preparation of the answers to these Requests and provide copies of all such documents.

RESPONSE:

A diligent search was conducted for any and all documents recording the purchase or receipt of hazardous substances and/or hazardous waste, as identified under CERCLA and RCRA, their use and their disposal, from the years 1950 through 1980, in the Dura Avenue Landfill investigation. No documents were located. Any purchase orders or contracts from this time period were disposed of in the ordinary course of the University's business.

The Minutes of the Board of Directors of the municipal University and, subsequently, the Board of Trustees of the state University, were reviewed for the time period of 1950 through 1980, in the context of the Dura Avenue Landfill investigation. These Minutes reflect Director or Trustee approval of waste haulage contracts in 1962, 1964, 1965 and 1970, each for one (1) year, with Community

Sanitation Service, Inc. There were no haulage contracts approved by the Board of Directors of the municipal University prior to 1962, to the best that the University can ascertain. The Board of Trustee Minutes further reflect a three-year waste haulage contract with Browning-Ferris Industries (B.F.I.) in 1977, and a second three-year contract with Waste Management, Inc., in 1980. Copies of these Minutes are attached as Exhibits 1 - 6 to the Affidavit of Joyce Gregory, Secretary to the Board of Trustees, a copy of which is attached hereto as Appendix B.

3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Requests or who may be able to provide additional responsive documents, identify such persons.

RESPONSE:

There are no such individuals known at this time, but the University requests leave to supplement this Response if its investigation leads to the identity of other individuals.

4. List the EPA Identification Numbers of the Respondent.

RESPONSE:

OHD 051 623 734 for the main campus of The University of Toledo located at 2801 W. Bancroft St., Toledo, Ohio; OHD 982 627 515 for The University of Toledo's Community and Technical College (Scott Park campus), located at the intersection of Parkside and Nebraska Avenues in Toledo, Ohio; and OHD 068 101 989 for the School of Art located at the Toledo Museum of Art, Monroe Street, Toledo, Ohio.

5. Identify the acts or omissions of any person, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants and damages resulting therefrom.

RESPONSE:

This Request for Information is vague, compound and ambiguous as regards the §104(e) Information Request related to the Stickney Avenue and Tyler Street Dump Sites. It is unclear as to where the release or threat of release of hazardous substances, pollutants or contaminants is to have occurred. Assuming that the release or threat of release of hazardous substances, pollutants or contaminants refers to incidents which may have occurred at one or both of the subject sites, the University is unaware of any such release or threat of release of hazardous substances, pollutants or contaminants at either site.

6. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of material at the Site.

RESPONSE:

The University is unaware of any University faculty or staff having knowledge or information about the handling of waste at either the Tyler Street Dump Site or the Stickney Avenue Landfill. The University relied upon outside haulers, commencing in 1962, to dispose of its solid waste, as described in the Affidavit of Stanley Morawski, attached as **Appendix C**. According to Mr. Morawski, University waste was hauled primarily to the Hageman Road Landfill in Monroe County, Michigan, after 1966.

Nelson Osenbaugh, who worked for C.S.S.I. as a hauler from 1961 to 1968, relates that he has no recollection of ever having hauled waste to the Tyler Street Dump; that it was closed before he began hauling.

7. Identify all persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site. In addition, identify the following:

RESPONSE:

The University denies disposing of or arranging for the disposal of any hazardous substances at either the Tyler Street Dump Site or the Stickney Avenue Landfill. The University has no specific knowledge that any of its solid waste was hauled to the Tyler Street Dump or Stickney Avenue Landfill.

Willard W. Smith, Vice President of Business Affairs, entered into contracts with Community Sanitation Service, Inc. (C.S.S.I.), commencing in 1962, on behalf of the University, for hauling its solid waste. See, Affidavit of Joyce M. Gregory, Appendix B, and attached Exhibits.

According to the Affidavit of Stanley Morawski submitted in conjunction with the University's Responses to the Dura Avenue Landfill investigation, the University's waste consisted of paper, cardboard and garbage. Further, Mr. Morawski states that after 1966, the University's waste was hauled to the Hageman Road Landfill in Monroe County, Michigan.

7(a) The persons with whom you or such other persons made such arrangements;

RESPONSE:

Board of Trustee Minutes reviewed for the period of 1950 through 1980, reveal that the Board of Directors of the municipal University contracted with Community Sanitation Service, Inc. (C.S.S.I.) in 1962, 1964 and 1965, each contract being for one (1) year. In 1967, The University of Toledo became a state University.

Thereafter, in 1970, it again contracted with C.S.S.I. for a one-year haulage contract. In 1977, Board of Trustee Minutes reflect that a contract with Browning-Ferris Industries, Inc. (B.F.I.) was approved for three (3) years commencing 1977. The Board of Trustees approved a waste haulage contract with Waste Management, Inc. in 1980, which also ran for three (3) years. To the best of the University's knowledge, information and belief, these are the only refuse haulers with whom the University contracted during the relevant time period.

7(b) Every date on which such arrangements took place;

RESPONSE:

For the specific dates of Board of Director or Board of Trustee approval of the haulage contracts identified in the University's Response to Request No. 7(a), see Exhibits 1 - 6 to the Affidavit of Joyce M. Gregory, Secretary to the Board of Trustees, attached hereto as Appendix B.

7(c) For each transaction, the nature or [sic: of] the waste material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance;

RESPONSE:

During the relevant period of time, it is believed all waste hauled off campus by C.S.S.I., commencing in 1962, was solid waste consisting of paper, cardboard and garbage. See, Morawski Affidavit, Appendix C, at ¶5.

7(d) The owner of the waste materials or hazardous substances so accepted or transported;

RESPONSE:

This Request for Information is vague and ambiguous as applied to a possible generator such as The University of Toledo, a municipal and, subsequently, a state institution of higher education. Any solid waste hauled from the University would have consisted of refuse discarded by faculty, staff, students and visitors on its premises.

7(e) The quantity of the waste materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;

RESPONSE:

The University has no knowledge nor any means of attaining knowledge as to the volume of solid waste that was hauled from its premises between 1951 and 1981, as no records were maintained for this period.

7(f) All tests, analyses, and analytical results concerning the waste materials;

RESPONSE:

The University has no knowledge of any tests or analyses of any waste hauled from its premises during the relevant time period.

7(g) The person(s) who selected the Site as the place to which the waste materials or hazardous substances were to be transported;

RESPONSE:

Upon information and belief, the refuse hauling companies with whom the University contracted during the relevant time period would have decided what landfill sites were to be utilized. In this regard, Stanley Morawski, a hauler and supervisor

with C.S.S.I. from 1953 through 1977, states that after the Hageman Road Landfill in Erie Township, Monroe County, Michigan, was opened by C.S.S.I. in 1966, the University's waste was hauled to that Site.

7(h) The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;

RESPONSE:

The Board of Director and Board of Trustee Minutes for meetings which occurred in 1962, 1964, 1965, 1970, 1977 and 1980, where refuse haulage contracts were approved, are attached to the Affidavit of Joyce M. Gregory, **Appendix B.** It is presumed that the University paid for services rendered pursuant to the approved contracts by checks issued upon the University's general account.

7(i) Where the person identified in g., above, intended to have such hazardous substances or waste materials transported and all evidence of this intent;

RESPONSE:

The University denies that it generated hazardous substances or wastes which were transported from its premises to the Stickney Avenue Landfill or the Tyler Street Dump site. The University was unaware, to the best of its knowledge prior to its investigation for the Dura Avenue Landfill Information Requests, of what Site locations were selected by C.S.S.I., B.F.I. and Waste Management, Inc., for disposal of University waste. In conjunction with the Dura Avenue Landfill investigation, it has obtained the Affidavit of Stanley Morawski, a hauler and supervisor for C.S.S.I., who states therein that after 1966, when the Hageman Road Landfill was opened by C.S.S.I., the University's solid waste was hauled to its landfill in Monroe County,

Michigan. To the best of the University's knowledge, it exercised no authority over the management decision of the hauler as to where the University's waste was deposited.

7(j) Whether the waste materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;

RESPONSE:

Again, the University has no knowledge of any hazardous substances hauled from its premises to any site during the relevant time period. As to its solid waste hauled by C.S.S.I., the University has no knowledge of how such refuse was transshipped or stored after it left the University's premises.

7(k) What was actually done to the waste materials or hazardous substances once they were brought to the Site;

RESPONSE:

The University has no specific knowledge that any of its waste was hauled to either the Tyler Street Dump or the Stickney Avenue Landfill.

7(l) The final disposition of each of the waste materials or hazardous substances involved in such transactions;

RESPONSE:

The University has no knowledge of any hazardous substances transported from its premises during the relevant time period. It, likewise, has no definitive knowledge of where its solid waste materials were deposited by the hauler.

7(m) The measures taken by you to determine the actual methods, means, and site of treatment or disposal of the waste material and hazardous substance involved in each transaction;

RESPONSE:

The University has no records to indicate that measures were taken during the relevant time period to determine the methods, means or site of disposal of its solid waste. There was no requirement upon the University during the relevant time period for such monitoring or record-keeping.

7(n) The type and number of containers in which the waste materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the Site, and all markings on such containers;

RESPONSE:

For its general refuse, the University maintained containers outside most buildings on campus, the contents of which were dumped into transport vehicles owned and operated by C.S.S.I. or a subsequent hauler. The University again denies that it generated any hazardous substances which were hauled from its premises to either of the sites in question. It has no recollection of the particular type of containers provided by C.S.S.I., B.F.I. or Waste Management, Inc., during the relevant time period.

7(o) The price paid for (i) transport (ii) disposal or (iii) both of each waste material and hazardous substance.

RESPONSE:

The University again denies that it transported or disposed of any hazardous substances or waste away from its premises during the relevant time period. As for the prices paid for the waste haulage contracts commencing in 1962, see the Board

of Director and Board of Trustee Minutes attached as Exhibits 1 - 6 to the Affidavit of Joyce M. Gregory, Appendix B.

7(p) All documents containing information responsive to a - o above or in lieu of identification of all relevant documents, provide copies of all such documents;

RESPONSE:

The only documents located and/or identified by The University of Toledo in response to the above Information Requests are the Board of Director and Board of Trustee Minutes evidencing approval of waste haulage contracts commencing in 1962, with C.S.S.I. The University has located no other documentation relevant to these Requests for the time period stated.

7(q) All persons with knowledge, information, or documents responsive to a - p above.

RESPONSE:

See, Response to Request for Information No. 1 above.

8. If your waste was not taken to the Stickney Avenue Landfill Site or the Tyler Street Dump Site during the period from 1951 to 1981, where were your wastes taken and how were they disposed?

RESPONSE:

Upon information and belief, solid wastes were incinerated on campus or otherwise disposed of in campus landfills. Laboratory chemicals were stored for potential future use, but were disposed of in compliance with RCRA regulations in 1985. Based on information obtained from C.S.S.I. hauler Stanley Morawski, the Dura Avenue landfill was used by C.S.S.I. for disposal of solid waste hauled from the University until 1966, when it opened its own landfill on Hageman Road in Monroe

County, Michigan.

DURA AVENUE LANDFILL SITE INFORMATION REQUEST

1. Identify all persons consulted in the preparation of each and every answer to these information requests.

To the best of The University's knowledge, information and belief, the following is a list of persons who may have knowledge or information about the generation, transportation, treatment, disposal or other handling of The University's waste materials during the relevant time period, some of which may have been sent to the Site. Please be advised that most of the following are employees or prior employees of The University. In providing this information, The University does not consent to unauthorized contact of its employees or former employees without reasonable prior notice to The University. Further, The University requests that this information be held as confidential.¹

Ms. Donna Adler
Interim Dean, Community & Technical College
LR 36-R
The University of Toledo
2801 W. Bancroft St.
Toledo, Ohio 43606
3314²

Larry Bean
Michigan Dept. of Natural Resources
38980 Seven Mile Rd.
Livonia, MI 48152
(313) 953-0243

¹These responses have been prepared by Legal Counsel for The University in conjunction with Leigh A. Casey, and are based upon information obtained from individuals identified in Response to Request No. 1.

²All University of Toledo telephone numbers are in area code 419 and have the prefix 537. We will provide the four digits following the area code and prefix.

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Ms. Joyce M. Gregory
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Richard B. VanLandingham
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Dr. Donald K. Brundage, Retired
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Dr. Alfred Foster, Retired
Professor of Chemistry
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David Pawlicki, Maintenance
Superintendent of Buildings & Grounds
1946-1965 (approx.)
Assistant Physical Plant Director
1965-1972 (approx.)
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Dr. William D. Roll, Retired
Professor of Pharmacy
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Dr. Robert Schlembach, Retired
Professor of Pharmacy
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Toledo, Ohio
(419) 474-4453

Willard W. Smith, Retired
Professor of Political Science &
Public Administration
Vice President, Business Affairs
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Grounds Superintendent
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Waterville, Ohio
(419) 878-5981

Henry Taylor, Retired
Purchasing Department
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Perrysburg, Ohio 43551
(419) 874-1436

Carl D. Thomas, Retired
Director, Physical Plant
1972-1982
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Durham, NC 27712-2432
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James Thomas, Retired
Painter, Maintenance Department
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Toledo, Ohio 43607
(419) 536-4444

Dr. Lance Thompson, Retired
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AFFIDAVIT OF JOYCE M. GREGORY

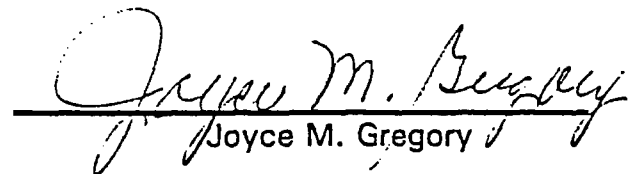
I, Joyce M. Gregory, being of age and sound mind, do hereby attest, under oath and from personal knowledge, to the following:

1. I have been Secretary to the Board of Trustees of The University of Toledo since 1982.

2. As Secretary to the Board of Trustees, I have direct supervision, possession or control over all minutes of the Board of Trustee meetings, as well as all minutes of the predecessor Board of Directors' meetings of The University when it was a municipal institution.

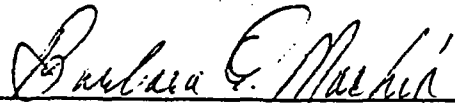
3. Attached hereto as Exhibits 1 through 6, respectively, are true and accurate copies of the Board of Director or Board of Trustee minutes of November 12, 1962; August 6, 1964; September 29, 1965; September 11, 1970; April 13, 1977; and March 26, 1980, which were the only minutes reflecting Director or Trustee approval of waste haulage or waste disposal contracts found for the 1950 to 1980 time period.

FURTHER AFFIANT SAYETH NAUGHT.


Joyce M. Gregory

STATE OF OHIO)
)
COUNTY OF LUCAS) SS:

Before me this 23 day of March, 1993, appeared Joyce M. Gregory, who stated, under oath, that the foregoing is true and complete as she verily believes.



Notary Public

BARBARA E. MACHIN

Attorney - at - Law

Notary Public — State of Ohio

My Commission Expires 03/31/97

Minutes
Regular Meeting
Board of Directors
The University of Toledo
November 12, 1962

A regular meeting of the Board of Directors was called and held on Monday, November 12, 1962, at eight-forty a.m. in the President's Office at the University. Present. Mr. Ward M. Canaday, Mr. James P. Falvey, Mr. A. A. Haddad, Mr. G. Kenneth Keller, Mr. Jules D. Lippmann and Dr. Maurice A. Schnitker, constituting a quorum of the Board; President William S. Carlson and Mrs. Louise Kolacz. Absent: Mr. John D. Biggers, Mr. Preston Levis and Mrs. Elizabeth A. Zepf.

Mr. Lippmann, Chairman of the Board, presided and Mrs. Kolacz, Secretary, recorded the minutes.

The minutes of the meeting held on September 5, 1962, copies of which have been distributed to the Board, were approved.

1. On recommendation of the Committee of the Whole at its meeting held on October 2, 1962:

- A. The Board approved and authorized the purchase of the property owned by General Foods Fund, Inc. at a net cost of \$161,757, covering two pieces of property totaling 19.97 acres adjoining University property on Oakwood Avenue.

The President advised the Board that this property has been offered to the University by General Foods Fund, Inc. at a price of \$9,000 an acre, less a 10% discount due to the fact that no brokerage fee would be involved in the sale and purchase of this property. The President further advised that the University had made arrangements to have this property appraised by local appraisers and their recommendation was that the price of \$9,000 an acre was far below the present market price of this property. The acquisition of this property would meet the requirement of 50 acres necessary for the establishment of a medical college, as this property would be used for the new men's dormitory and other facilities as needed. The advice of the planning committee of the University is to concentrate all of the future medical buildings on the land recently purchased from Mrs. Schetter, with the hospital building facing Secor Road; that dormitories be erected on the periphery of the campus area, with the central core of the campus reserved for classroom buildings. Mr. Falvey questioned whether it was a cash deal and if so, what funds were available. The President stated that funds derived from the bond issue would be used and if these funds were not available a bank loan would be arranged.

Mr. Haddad moved authorization of this purchase and upon a roll call vote, with all members present voting in favor of the motion, it was carried.

- B. The Board approved an increase in the salary structure of the College of Law for the 1963 Summer Sessions, as follows:

\$1900 for full professors;
\$1800 for associate professors;
\$1700 for assistant professors, and

the Board also approved an increase in salary for Mr. Harold Tanner, lecturer in the field of legal accounting, from \$450 to \$500 for the 1963 Summer Session.

Mr. Haddad moved approval of these increases, seconded by Mr. Keller, and carried unanimously.

- C. The Board approved the establishment of a \$15 diagnosis fee and a fee of \$50 for thirty one-hour remedial sessions in the Educational Improvement Center of the College of Education.

Mr. Keller moved approval and acceptance of lease cancellation, seconded by Mr. Falvey and carried unanimously.

- J. The Board approved the reappointment of Dr. Ned B. Hein and Dr. William Henry as football and basketball team physicians for the academic year of 1962-63. No compensation is involved in these appointments.

Dr. Schnitker suggested that a letter of appreciation for their services be sent Dr. Hein and Dr. Henry, and it was so ordered.

Dr. Schnitker moved approval of the appointments, seconded by Mr. Haddad and carried unanimously.

- K. The Board approved an additional appropriation of \$850 to the present budget of the Office of Admissions and Records.

The President stated this additional appropriation was necessary to cover the expenses of the Director of Admissions and Records and the Deans of the Colleges of Arts and Sciences, Education and Engineering, while attending meetings with college counselors in selected areas. These meetings were arranged to better communicate the academic programs of the University to these counselors and induce them to send highly qualified students to the University.

Mr. Falvey moved approval of the additional appropriation, seconded by Mr. Haddad, and carried unanimously.

- L. The Board approved payment of Richards, Bauer & Moorhead Invoice No. 64 in the amount of \$190.30, covering architects' fee due on Commission #5431 - New Athletic Field.

Mr. Keller moved approval of payment, seconded by Mr. Falvey and carried unanimously.

- M. The Board appointed Richards, Bauer & Moorhead as the University's architects for the new men's dormitory. This new facility is to be ready for occupancy in the fall of 1964.

Dr. Schnitker raised the question as to whether the University has an official architect, as he has had inquiries as to whether building projects on the University's campus are open to bidding. The President stated that the University has no official architect; that architects will not bid against each other and that for future projects consideration should be given to other qualified firms.

Mr. Falvey moved approval of the appointment, seconded by Mr. Haddad and carried unanimously.

- N. The Board approved the awarding of the following contracts:

No. 623-18 for wire fence to Marleau-Hercules Fence Company, Toledo, Ohio, in the amount of \$3,149 as the best bid. Only bid received.

No. 623-19 for graduate bulletins to S & S Masterlith Company, Toledo, Ohio, in the amount of \$1,386.75 less 1%, as the lowest and best bid.

No. 623-20 for garbage removal to Community Sanitation Co., Toledo, Ohio, at the rate of \$260 per month, less 2%, as the lowest and best bid.

No. 623-21 for laboratory equipment for the department of geology to Kewaunee Technical Furniture Company, Adrian, Michigan, in the amount of \$1,955 as the lowest and best bid.

No. 634-44 for laboratory equipment for Pharmacy to Metro Scientific Co., Inc., Carle Place, Long Island, in the amount of \$1,251.50 as the best bid. Only bid submitted.

No. 634-44 for laboratory equipment for Pharmacy to Will Scientific of Buffalo, Inc., Buffalo, New York, in the amount of \$1,810, net, as the best and lowest bid.

No. 634-45 for movie projectors for the department of audio-visual education to Cousino Electronics, Toledo, Ohio, in the amount of \$2,312.50, 1%, as the best bid.

No. 634-46 for laboratory equipment for the department of biology to Eberbach and Son Co., Ann Arbor, Michigan, in the amount of \$3,981.50, net; to Fisher Scientific Co., Pittsburgh, Pennsylvania, in the amount of \$1,020, net; to Carolina Biological Supply, Burlington, North Carolina, in the amount of \$523.64, net, as the best bids.

No. 634-47 for file and processing for the department of Inter-collegiate Athletics to Edward Restemeier, Toledo, Ohio, in the amount of \$2,215, net, as the best and lowest bid.

No. 634-48 for china, silver, glass and kitchenware for Carter Hall to Rowland Equipment Company, Toledo, Ohio, in the amount of \$1,465.80, net, and to Steger-Showel Company, Toledo, Ohio in the amount of \$3,972.82, net, as the best and lowest bids. Bid was split on low items.

No. 634-49 for light beam recorder for the department of mechanical engineering to Brush Instruments Company, Cleveland, Ohio, in the amount of \$2,640 as the best bid. Only bid submitted.

No. 634-51 for analog computer for the department of electrical engineering to Electronic Associates, Inc., Long Branch, New Jersey, in the amount of \$20,691.95 as the best bid. Only bid submitted.

No. 45-3 (new Bancroft Street entrance) for the department of Physical Plant to S. E. Johnson, Maumee, Ohio in the amount of \$13,163.30 as the best bid. Not advertised by the University.

No. 645-1 for No. 2 Fuel Oil for the department of Physical Plant to Gulf Refining Company, Toledo, Ohio at .1228 per gallon, net, as the best and lowest bid.

No. 645-1 for No. 5 and No. 6 Fuel Oil for the department of Physical Plant to The Standard Oil Company, Toledo, Ohio, at .0826 per gallon for No. 5, and .0776 per gallon for No. 6, 1% 10 da., as the best and lowest bid.

No. 645-2 for gasoline for the department of Physical Plant to Sinclair Refining Co., Toledo, Ohio at .209 per gallon, net, as the best and lowest bid.

No. 645-4 for roadway lighting for the department of Physical Plant to Rogers Electrical Service, Inc., Toledo, Ohio in the amount of \$12,085, net, as the best and lowest bid.

No. 645-5 for rubbish and garbage removal service for the department of Physical Plant to Community Sanitation Service, Inc., Toledo, Ohio in the amount of \$4,920, 1% 10 days, as the best and lowest bid.

No. 645-6 for construction of parking lot No. 2A to Atlas Paving Company, Toledo, Ohio in the amount of \$24,926.24, net, as best and lowest bid. (For account No. 160.)

BE IT FURTHER RESOLVED that this Resolution be made a part of the permanent records of the Board of Directors in the minutes of the meeting of September 29, 1965 and that copies be sent to Dr. Hein and to Dr. Henry.

/s/ Jules D. Lippmann
Chairman of the Board

Mr. Biggers moved adoption of the Resolution, seconded by Mr. Levis and carried unanimously.

H. The Board approved payment of extra compensation to faculty and staff members, as follows:

<u>Name</u>	<u>Program</u>	<u>Service Dates</u>	<u>Compensation</u>
James A. Brunner	Business Research Center - Television Study	Dec. 1, 1964 to Sept. 8, 1965	\$ 2500.00
Linda Levering Chapman	Contemporary Dance Club and Spring Concert	September 1965 to June 1966	400.00
Kenneth Crothers	Insurance Education	Coordinator's Fee	100.00
	Insurance Education	1st Semester	660.00
A. Terrence Conlisk	Insurance Education	Sept. 13, 1965 to May 10, 1966	640.00
Anthony M. Deiulio	NDEA Guidance Institute	Sept. 1, 1965 to June 30, 1966	1900.00
James J. Herrel	Insurance Education	Sept. 13, 1965 to Nov. 29, 1965	360.00
Robert E. Higgins	NDEA Guidance Institute	Administrator's Stipend	1100.00
Benjamin Londeree	108-109 Lab	Sept. 1965 to June 1966	400.00
Ron Martin	108-109 Lab	Sept. 1965 to June 1966	400.00
John L. Mason	Business Research Center - Television Study	Dec. 1, 1964 to Sept. 8, 1965	1000.00
William Morgan	108-109 Lab	Sept. 1965 to June 1966	400.00
William Paeplov	Insurance Education	Sept. 13, 1965 to Nov. 29, 1965	360.00

Mr. Biggers moved approval of payment, seconded by Mr. Levis and carried unanimously.

I. The Board approved awarding of Contract No. 646-12 for rubbish and garbage removal service to Community Sanitation Service of Toledo, Ohio, in the amount of \$6,000 as the best bid. Only bid submitted.

Mr. Levis moved approval of awarding of contract, seconded by Mr. Keller and carried unanimously.

J. The Board accepted the resignation of John Bucznskyj as Graduate Assistant for the department of electrical engineering, effective September 22, 1965.

There being no objection, the chairman ordered acceptance.

II. The President made the following reports:

Renewal of agreement between The Toledo Hospital School of Nursing and the University for the 1965-66 academic year.

Approved. Bd. Mtg.
10-13-70
Recorded Minute Book

THE UNIVERSITY OF TOLEDO

34th Meeting of the Board of Trustees

September 11, 1970

The thirty-fourth meeting of the Board of Trustees of The University of Toledo was held on September 11, 1970, at 8:15 a. m. in the President's Office at the University.

The following Trustees were present:

Dr. Woodruff C. Adams
Mr. Arthur R. Cline
Mr. James P. Falvey
Mr. Richard C. Heymann, Jr.
Mr. J. Preston Levis
Dr. Maurice A. Schnitker
Mr. Lawrence N. Steinberg
Mr. Stephen Stranahan
Mr. Lewis E. Thomas

constituting a quorum of the Board.

Dr. William S. Carlson, President; Dr. Jesse R. Long, Executive Vice President; Mr. Willard W. Smith, Vice President-Treasurer; Dr. William H. Leckie, Vice President; Dr. Harold W. Oyster, Vice President; Dr. Frank M. Lewis, Faculty Senate Chairman; Dr. Perry B. Johnson, Faculty Representative, and Mr. Joseph Piasecki, Student Body Government Vice President, were also present at the meeting.

Mr. Levis, Chairman of the Board, presided and Mrs. Louise Kolacz, Secretary of the Board, recorded the minutes.

c. Canteen Service Company of Toledo.

Renewal of vending service contract between the University and Canteen Service Company of Toledo for year ending August 31, 1971.

d. College of Arts and Sciences.

Bid # 701-8 for the department of chemistry to Sargent-Welch Scientific Company for chemical glassware and supplies for the sum of \$16,655.73 as the best and lowest bid.

e. Physical Plant.

No. 690-113 for custodial department to Kellermeyer Chemical Company for buffable floor finish for the sum of \$5,282.00 as the best bid.

Bid #690-161 to Community Sanitation Service, Inc. for refuse removal 1970-71 for the sum of \$31,680.00 as the best and lowest bid.

No. 701-12 to W. F. Skahill Painting Company for painting East and West Halls for the sum of \$5,440.00 as the best and lowest bid.

Bid #701-20 to Buckeye Asphalt Paving Company for paving parking lots for the sum of \$9,360.00 as the best and lowest bid.

f. Print Shop.

No. 701-21 to Pitney-Bowes, Inc. for Thomas Programmed Rotogather, Stitcher and Folder for the sum of \$13,335.00 as the best bid.

No. 701-22 to Addressograph-Multigraph Corporation for Duplicator, Rotary Sorter and Dry Copier for the sum of \$19,663.00 as the best bid.

g. Publications Office.

No. AC-86-970-200M to The Toledo Blade Company for 200,000 Fall Quarter 1970 Blade Supplements and 3,000 extra copies of Fall Quarter 1970 Blade Supplements for the sum of \$6,111.00 as the best and only bid.

April 13, 1977

The point was made that the Flanigan property is becoming more and more valuable as time goes by.

5. Amendment of Capital Plan

Mr. Tomasi said the Buildings and Grounds Committee reviewed the plan to transfer funds totaling \$500,000 to be used as follows:

Roof Repairs - Bowman-Oddy Laboratories, Engineering-Science Building, Health Education Center, Learning Resources Center and concourse at Com/Tech, Field House, and Ritter Observatory	\$330,000
Road Repairs - Stadium Drive and bridge Scott Park Drive to Hill Avenue	125,000
Health Education Center Fuel Conversion - from gas-fired to combination gas and oil-fired unit	<u>45,000</u>
	\$500,000

Mr. Willard Smith suggested the University seek permission from the Board of Regents and the Controlling Board to transfer the \$500,000 from the Central Services Facility appropriation, since that amount would not be required before June 30, 1977, the end of the biennium, when funds will lapse and have to be reappropriated. It is suggested that those funds be used, by transfer, for the immediately urgent projects listed above, with the understanding that funds would be restored to the Central Services project from future appropriations, if required.

Mr. Tomasi said the Buildings and Grounds Committee recommends expenditure of the \$500,000 for those projects, and he moved approval by the Board. Mr. Peterson seconded the motion, which was voted and carried unanimously.

There was some further discussion. President Driscoll commented it is difficult to believe that the legislature will deny us the recommended amount for renovation and utilities in the biennial budget. The proposed transfer has already been discussed in a preliminary way with Henry Whitcomb of the Board of Regents office.

6. Contracts

The following contracts were reviewed by the Board.

a. Chemical Engineering Department

Contract Award Recommendation under Inter-University price agreement #UN76-005 to Digital Equipment Corporation for computer equipment, model PDP 11/03 with 16K words MOS memory and accessories, for the sum of \$20,837.20.

b. Physical Plant

Contract Award Recommendation Quotation No. 767-160 to Browning-Ferris Industries for refuse removal - auxiliary service for the sum of \$48,028.68 (\$1,334.13 per month x 36 months) plus \$10 each miscellaneous additional pickup when needed, the best bid.

7. Staff Personnel

Mr. McKelvy said the Finance Committee had reviewed the following staff extra compensations and recommended approval. He so moved. Dr. Oyster seconded the motion, which was voted and carried unanimously.

<u>Name & Assigned Dept.</u>	<u>Paying Dept.</u>	<u>Service</u>	<u>Amount</u>
Roger A. Danchise Univ. Counsel. Ctr.	Univ. Couns. Center	1 ACT test, 2/9/80, 9 hrs. @ \$12 (time and one-half rate)	\$108
Doris Hedler Academic Advisor, University College	Center for Women	Teaching Math, re- peater course - Winter Quarter	360
Donald L. Sanz Univ. Counsel. Ctr.	Cont. Educ.	2 Personal Interest Courses Winter Quarter	600 525

8. Contracts

Mr. McKelvy, reporting for the Finance Committee, noted that items a. through d. listing contract award recommendations are coming to the attention of the committee today. He has discussed them with Mr. Rieger, noting that under d. it is not shown that it is just a contract for the remainder of the 38 remaining issues, with the option to extend the contract another year. The administration is recommending picking up the option to these to 1980-81. They recommend both parts be accepted. Mr. McKelvy moved approval of a. through d., including the year of publication, which was the lowest bid. Mr. Peterson seconded the motion, which was voted and carried unanimously.

a. Engineering Technology

Contract Award Recommendation Quotation No. 790-140 to ASCI Marketing Group for Educational Microprocessor Systems (4 Microprocessors, 2 memory boards, 2 8K Basic E Prom, 1 digital cassette recorder) for the sum of \$5,465, the lowest bid meeting specifications.

b. Physical Plant

Contract Award Recommendation Quotation No. 790-149 to Waste Management of Toledo for refuse removal for the period March 15, 1980 through June 30, 1983 for the sum of \$28,224 for each 12-month period, the lowest bid.

c. Physical Plant - Buildings

Contract Award Recommendation dated March 10, 1980 to Toledo Trane Company for furnishing labor, materials and equipment to mechanically clean and perform an eddy current analysis of various building tubes, for the sum of \$13,047, the lowest bid.

d. Publications Department

Contract Award Recommendation Quotation No. SA 103 1979-80 to Allen C. Foster Publications, Inc. for typesetting, make-up, camera-ready artwork, plates, printing and delivery of the balance of the contract for the COLLEGIAN newspaper, Volume 57, 1979-80 edition, 31 issues, for the sum of \$21,572, the lowest bid.

AFFIDAVIT OF STANLEY F. MORAWSKI

I, Stanley F. Morawski, being of age and sound mind, do hereby attest, under oath and from personal knowledge, to the following:

1. I was employed by Community Sanitation Service, Inc. (C.S.S.I.) from 1953 until it was taken over by Browning-Ferris Industries (B.F.I.), and I thereafter worked for B.F.I. until my retirement in 1977.

2. I started as a waste hauler and, subsequently, in the mid-1960's, became a supervisor.

3. I was the primary hauler responsible for disposing of The University of Toledo's waste commencing in the early 1960's. After I became a supervisor, I trained and supervised those employees hauling from The University to the Dura Avenue Landfill and, on occasion, hauled the loads myself when I was short of people.

4. After the Hagman Road landfill was opened by C.S.S.I. in 1966, the University of Toledo's waste was hauled there.

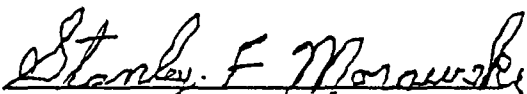
5. I picked up waste from all of The University's buildings. The waste consisted of paper, cardboard and garbage.

6. I have no recollection of ever hauling or being asked to haul any hazardous and/or liquid waste from The University to the Dura Avenue Landfill.

7. To the best of my knowledge, the University of Toledo's waste was deposited only where directed by Dura employees or operators in the areas designated for solid waste. The University's waste was never deposited in the southeastern section of the Landfill, which was used for chemical wastes primarily from private industry.

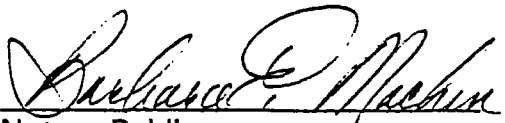
8. To the best of my knowledge, raw chemical waste was dumped into a hole in the southeastern corner of the Landfill by those operating the site. Drums were opened and the contents released into the hole so that the drums could be returned to their owners. To the best of my knowledge and recollection, The University of Toledo never had any liquid or other waste which was disposed of in this section of the Dura Avenue Landfill.

FURTHER AFFIANT SAYETH NAUGHT.


Stanley F. Morawski

STATE OF OHIO)
)
COUNTY OF LUCAS) SS:

Before me this 23rd day of March, 1993, appeared Stanley F. Morawski who stated, under oath, that the foregoing is true and complete as he verily believes.


Notary Public
BARBARA E. MACHIN
Attorney - at - Law
Notary Public — State of Ohio
My Commission is now expiring